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AN ACT

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RELATING TO EDUCATION; TRANSFERRING THE AUTHORITY FOR ADULT BASIC EDUCATION TO THE COMMISSION ON HIGHER EDUCATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. COMMISSION ON HIGHER EDUCATION--ADDITIONAL DUTIES.--In addition to the duties imposed upon the commission on higher education by the Post-Secondary Educational Planning Act, the commission shall have the responsibility of planning and budgeting functions for the statewide adult basic education program and authority to adopt and promulgate rules for all such adult educational programs. The commission will establish a uniform protocol for identifying, communicating with and providing direct and equitable access to funding for eligible agencies, which include:

- A. local educational agencies;
- B. community-based organizations;
- C. volunteer literacy organizations;
- D. post-secondary institutions;
- E. public or private nonprofit agencies;
- F. public libraries;
- G. public housing authorities; and
- H. a consortium of agencies, organizations, institutions, libraries or

authorities as described in Section 203 Public Law 105.

Section 2. Section 22-2-2 NMSA 1978 (being Laws 1967, Chapter 16, Section 5, as amended by Laws 2001, Chapter 286, Section 1 and by Laws 2001, Chapter 299, Section 5) is amended to read:

"22-2-2. STATE BOARD--DUTIES.--Without limiting those powers granted to the state board pursuant to Section 22-2-1 NMSA 1978, the state board shall perform the following duties:



1 M. require a public school under its jurisdiction that sponsors athletic  
2 programs involving sports to mandate that the participating student obtain catastrophic  
3 health and accident insurance coverage, such coverage to be offered through the  
4 school and issued by an insurance company duly licensed pursuant to the laws of New  
5 Mexico;

6 N. require all accrediting agencies for public schools in the state to act  
7 with its approval;

8 O. accept and receive all grants of money from the federal  
9 government or any other agency for public school purposes and disburse the money  
10 in the manner and for the purpose specified in the grant;

11 P. require prior approval for an educational program in a public school  
12 that is to be conducted, sponsored, carried on or caused to be carried on by a private  
13 organization or agency;

14 Q. approve or disapprove all rules promulgated by an association or  
15 organization attempting to regulate a public school activity and invalidate any rule in  
16 conflict with any rule promulgated by the state board. The state board shall require an  
17 association or organization attempting to regulate a public school activity to comply  
18 with the provisions of the Open Meetings Act and be subject to the inspection  
19 provisions of the Public Records Act. The state board may require performance and  
20 financial audits of an association or organization attempting to regulate a public school  
21 activity. The state board shall have no power or control over the rules or the bylaws  
22 governing the administration of the internal organization of the association or  
23 organization;

24 R. review decisions made by the governing board or officials of an  
25 organization or association regulating a public school activity, and any decision of the  
state board shall be final in respect thereto;

S. accept or reject a charitable gift, grant, devise or bequest. The  
particular gift, grant, devise or bequest accepted shall be considered an asset of the  
state;

1 T. establish and maintain regional centers, at its discretion, for  
2 conducting cooperative services between public schools and school districts within and  
3 among those regions and for facilitating regulation and evaluation of school programs;

4 U. assess and evaluate public schools for accreditation purposes to  
5 determine the adequacy of student gain in standard required subject matter,  
6 adequacy of student activities, functional feasibility of public school and school district  
7 organization, adequacy of staff preparation and other matters bearing upon the  
8 education of the students;

9 V. provide for management and other necessary personnel to operate  
10 a public school or school district that has failed to meet requirements of law, state  
11 board standards or state board rules; provided that the operation of the public school  
12 or school district shall not include any consolidation without the approval of the local  
13 school board of that school district. Until such time as requirements of law, standards  
14 or rules have been met and compliance is assured, the powers and duties of the local  
15 school board shall be suspended;

16 W. establish and implement a plan that provides for technical  
17 assistance to local school boards through workshops and other in-service training  
18 methods;

19 X. submit a plan applying for funds available under Public Law 94-142  
20 and disburse these funds in the manner and for the purposes specified in the plan;

21 Y. enforce requirements for home schools. Upon finding that a home  
22 school is not in compliance with law, the state board has authority to order that a  
23 student attend a public school or a private school;

24 Z. develop a systemic framework for professional development that  
25 provides training to ensure quality teachers and school principals and that improves  
and enhances student achievement. The state board shall work with school  
employees, the commission on higher education and institutions of higher education to  
establish the framework. The framework shall include:

- (1) the criteria for school districts to apply for professional

1 development funds, including an evaluation component that will be used by the  
2 department in approving school district professional development plans; and  
3 (2) guidelines for developing extensive professional  
4 development activities for school districts that:  
5 (a) improve teachers' knowledge of the subjects they  
6 teach and the ability to teach those subjects to all of their students;  
7 (b) are an integral part of the public school and school  
8 district plans for improving student achievement;  
9 (c) provide teachers, school administrators and  
10 instructional support providers with the strategies, support, knowledge and skills to  
11 help all students meet New Mexico academic standards;  
12 (d) are high quality, sustained, intensive and focused  
13 on the classroom; and  
14 (e) are developed and evaluated regularly with  
15 extensive participation of school employees and parents;  
16 AA. approve education curricula and programs offered in all two-year  
17 public post-secondary educational institutions, except those in Chapter 21, Article 12  
18 NMSA 1978, that lead to alternative licenses for degreed persons pursuant to Section  
19 22-10A-8 NMSA 1978 or licensure for educational assistants; and  
20 BB. withhold program approval from a college of education or teacher  
21 preparation program that fails to offer a course on teaching reading that:  
22 (1) is based upon current scientifically based reading  
23 research;  
24 (2) aligns with state board-adopted reading standards;  
25 (3) includes strategies and assessment measures to ensure  
that beginning teachers are proficient in teaching reading; and  
(4) was designed after seeking input from experts in the  
education field."

1 Section 1) is amended to read:

2 "22-8-30.1. ADULT BASIC EDUCATION FUND CREATED.--The "adult basic  
3 education fund" is created in the state treasury. Money in the fund is appropriated to  
4 the commission on higher education for the purpose of funding adult basic education  
5 programs for educationally disadvantaged adults. Money in the fund shall be  
6 distributed by the commission pursuant to an equitable formula established by the  
7 commission in consultation with representatives from the adult basic education  
8 administrative sites. Any unexpended or unencumbered balance remaining in the fund  
at the end of each fiscal year shall revert to the general fund."

9 Section 4. Section 22-8-30.2 NMSA 1978 (being Laws 1995, Chapter 56,  
10 Section 2) is amended to read:

11 "22-8-30.2. ADULT BASIC EDUCATION--DISTRIBUTION OF  
12 MONEY--OBJECTIVE FORMULA--COMMISSION ON HIGHER EDUCATION--ADOPTION  
13 OF FORMULA.--The commission on higher education in consultation with  
14 representatives of adult basic education administrative sites shall create an equitable  
15 formula for the distribution of money in the adult basic education fund. In establishing  
16 an equitable formula, the commission shall consider the types of programs conducted,  
17 the cost of service delivery and the socio-economic profiles of the adult receiving  
18 services. The commission shall review the formula and any proposed changes with  
the adult basic education administrative sites prior to adoption or amendment."

19 Section 5. Section 22-15-7 NMSA 1978 (being Laws 1967, Chapter 16,  
20 Section 211, as amended) is amended to read:

21 "22-15-7. STUDENTS ELIGIBLE--DISTRIBUTION.--

22 A. Any qualified student or person eligible to become a qualified  
23 student attending a public school, a state institution or a private school approved by  
24 the state board in any grade from first through the twelfth grade of instruction is  
25 entitled to the free use of instructional material. Any student enrolled in an early  
childhood education program as defined by Section 22-13-3 NMSA 1978 or person  
eligible to become an early childhood education student as defined by that section

1 attending a private early childhood education program approved by the state board is  
2 entitled to the free use of instructional material. Any student in an adult basic  
3 education program approved by the commission on higher education is entitled to the  
4 free use of instructional material from the instructional material bureau of the  
5 department of education.

6 B. Instructional material shall be distributed to school districts, state  
7 institutions, private schools and adult basic education centers as agents for the benefit  
8 of students entitled to the free use of the instructional material.

8 C. Any school district, state institution, private school as agent or adult  
9 basic education center receiving instructional material pursuant to the Instructional  
10 Material Law is responsible for distribution of the instructional material for use by  
11 eligible students and for the safekeeping of the instructional material."

11 Section 6. TEMPORARY PROVISION--TRANSFER.--All personnel,  
12 appropriations, money, records, property, equipment and supplies applied to the  
13 administration of the state's adult basic education programs by the state department of  
14 public education shall be transferred to the commission on higher education. All  
15 contracts and agreements relating to the activities of the personnel and records  
16 transferred pursuant to the provisions of this section shall also be transferred.

17 Section 7. REPEAL.--Section 22-13-11 NMSA 1978 (being Laws 1967,  
18 Chapter 16, Section 185) is repealed.

18 Section 8. EMERGENCY.--It is necessary for the public peace, health and  
19 safety that this act take effect immediately.

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